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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,421	09/28/2006	Guy Fleishman	7044-X06-029	8596

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EXAMINER	
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,421	FLEISHMAN ET AL.	
	Examiner	Art Unit	
	MICHAEL ORTIZ SANCHEZ	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/28/2006, 09/12/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: In page 5 of the disclosure the word summary is misspelled, the word summery has a different meaning, it means resembling or pertaining to summer or summer-like.

Appropriate correction is required.

Claim Objections

2. Claims 3, 6, 8 are objected to because of the following informalities: In claim 3 the word transducing is misspelled as "tranducing" the word transducing. Claim 6 is missing a period, the claim should end in a period not in a semi-colon. Claim 8, is also missing a period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 adds the limitation of implementing the system of claim 6 as software. Software is non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (herinafter Johnson), U.S. Patent No. 5,838,274.

Regarding claim 1 Johnson teaches a method for converting vocal sounds into digital data format (*an improved encode and decode system without using A/D or D/A converters*, see col. 3, lines 5-19), said method comprising the steps of: amplifying and filtering the analog electrical signal of received vocal sound (see col. 24, lines 44-46, *the analog input signal is applied to a balanced input amplifier*, see col. 38, lines 54-56); comparing the analog electrical signal to pre-defined values by a comparator (*after the signal is filtered it is compared to produced a correction signal,* see col. 38, lines 9-15); sampling by clock the output signal of the comparator, representing the sampled signal by digital data, which includes the vocal sounds harmonics (*the signal is sampled at 4 times the final frequency*, see col. 39, lines 1-5, see figure 15 objects 203 and 209).

Regarding claim 2 Johnson teaches the method further comprising the step of storing said digital data (see Fig. 1, *the high resolution signal is stored in memory subsystem*, col. 11, lines 11-17).

Regarding claim 3 Johnson teaches the method wherein the vocal sounds are reconstructed from the stored digital data (*output reconstruction from the D to A signal must occur*, see col. 26, lines 64-67) by applying the following steps: filtering the alternating analog signal which represents the stored digital data for reducing the signal higher harmonics (*low pass filtering the signal*, see col. 26, lines 64-67); amplifying the filtered signals (*amplifiers add additional stabilization and enhancements*, see col. 27, lines 2-6); transducing the electrical

amplifying signals to vocal sound signal (*voltage amplified output*, see figure 8b, col. 25, lines 12-21).

Regarding claim 4 Johnson teaches the method wherein the alternating signal is being sampled by clock edge according to Nyquist theorem (*the system works according to the Nyquist theorem*, see col. 25, lines 60-67, col. 38, lines 54-58).

Regarding claim 5 Johnson teaches the method wherein the vocal sounds are received from external memory sources, wherein said source stores a pre-recorded vocal sound on digital media (*Johnson teaches a memory and extracting sounds from digital recording media*, see col. 21, lines 59-61).

Regarding claim 6 Johnson teaches a system for converting vocal sounds into digital data format (*an improved encode and decode system without using A/D or D/A converters*, see col. 3, lines 5-19), wherein the vocal sound signals are converted into electrical signal by the microphone (*input signal*, see fig. 10), said system comprised of: amplifying and filtering module for analyzing the electrical signals (see col. 24, lines 44-46, *the analog input signal is applied to a balanced input amplifier*, see col. 38, lines 54-56); a comparator module for comparing the analog signal to pre-defined value (*after the signal is filtered it is compared to produced a correction signal,* see col. 38, lines 9-15); sampling by clock edge module for representing the output signal of the comparator as a digital data format (*the signal is sampled at 4 times the final frequency*, see col. 39, lines 1-5, see figure 15 objects 203 and 209).

Regarding claim 7 Johnson teaches the system further comprising memory modules for storing said digital data (see Fig. 1, *the high resolution signal is stored in memory subsystem*, col. 11, lines 11-17).

Regarding claim 8 Johnson teaches the system further enabling to reconstruct the vocal sounds from the stored digital data (*output reconstruction from the D to A signal must occur*, see col. 26, lines 64-67), comprised of the following reconstructing modules: filtering module for reducing the higher harmonics of the alternating analog which represents the stored digital data (*limiting will create upper harmonics in the Nyquist range, therefore the signal is low-pass filtered*, see col. 27, lines 47-17); amplifying module increasing the filtered signals amplitude (*amplifiers add additional stabilization and enhancements*, see col. 27, lines 2-6); transducer module for converting the electrical amplified signals into vocal sound signal (*voltage amplified output*, see figure 8b, col. 25, lines 12-21).

Regarding claim 9 Johnson teaches the system wherein the alternating signal is being sampled by clock edge according to Nyquist theorem (*the system works according to the Nyquist theorem*, see col. 25, lines 60-67).

Regarding claim 10 Johnson teaches the system wherein the system modules are integrated into single device (see figures 8a-8b).

Regarding claim 11 Johnson teaches the system wherein the system reconstruction modules are integrated into a separate device (*the system of figure 8 is performed by independent modules*, see col. 24, lines 57-60).

Regarding claim 12 Johnson teaches the system wherein the vocal sounds are received from external memory sources, wherein said source stores a pre-recorded vocal sound on digital media (*Johnson teaches a memory and extracting sounds from digital recording media*, see col. 21, lines 59-61).

Regarding claim 13 Johnson teaches the system wherein the system modules are software modules (*the invention can be implemented in software*, see col. 46, lines 38-45).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art of reference available on form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ORTIZ SANCHEZ whose telephone number is (571)270-3711. The examiner can normally be reached on Monday thru Friday, 8:30 AM- 6:00 PM Eastern Time, except the first Friday of the bi-week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOS

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626